

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS**

CASE NO.: 2:23-cv-117

BRUCE CAMERON DAVIDSON,

Plaintiff,

v.

DALLAS DEVELOPMENT GROUP LLC,

Defendant.

COMPLAINT FOR COPYRIGHT INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)

Plaintiff BRUCE CAMERON DAVIDSON by and through his undersigned counsel, brings this Complaint against Defendant DALLAS DEVELOPMENT GROUP LLC for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff BRUCE CAMERON DAVIDSON (“Davidson”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Davidson’s original copyrighted Work of authorship.

2. Davidson is an award-winning photographer specializing in producing creative works that capture life from the bird’s eye view. Each of Davidson’s photographs are carefully shot from a high elevation to provide the viewer a perspective of life that would not otherwise be experienced. His works are comprised of landscapes, cityscapes, and rural views across the world in locations such as New York City, Washington DC, London, Chicago, Miami, San Francisco, Rio de Janeiro, Brazil, Dallas, Las Vegas, Puerto Rico, Wyoming, Ethiopia, and Yellowstone National Park. Davidson has had six books published, a U.S. Postage stamp in

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2012 and had his work and stories published in over thirty publications including National Geographic, Vanity Fair, WIRED, Departures, Forbes, Fortune, Smithsonian, Audubon, Field and Stream, as well as brands including Jeep Chrysler, Dominion, Ducks Unlimited, Prologis, Kimley-Horn and Discovery Channel.

3. Defendant DALLAS DEVELOPMENT GROUP LLC (“DDG”) is a licensed brokerage and construction company in Dallas, Texas. At all times relevant herein, upon information and belief, DDG was the owner and operator of the internet website located at the URL <https://dallasdevelopmentgrouptx.com/brokerage> (the “Website”).

4. DDG copied Davidson’s copyrighted Work from the internet in order to advertise, market and promote its business activities. DDG committed the violations alleged for purposes of advertising and promoting sales to the public in the course and scope of the Defendant’s business.

JURISDICTION AND VENUE

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in Texas.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.

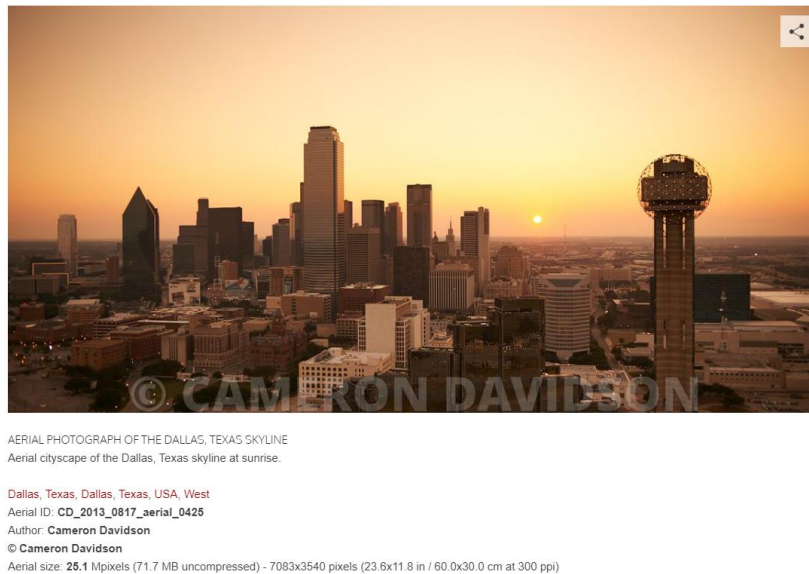
9. This Court has personal jurisdiction over Defendant pursuant to Texas statutes because DDG resides in this district, and the conduct alleged against DDG occurred in this district.

DEFENDANT

10. Dallas Development Group LLC is a Limited Liability Company formed and existing under the laws of the State of Texas, with a principal place of business at 3604 S Rusk Street, Amarillo, Texas, 79109-4834, and can be served by serving its Registered Agent, Blake Kennedy Box II, at 4518 Hamilton Avenue, Dallas, Texas, 75210-1115.

THE COPYRIGHTED WORK AT ISSUE

11. In 2014, Davidson created the photograph identified as “CD_2013_0817_aerial_0425” which is shown below and referred to herein as the “Work”:



12. Davidson registered the Work with the Register of Copyrights on July 29, 2014, and was assigned the registration number VAu 1-254-965. The Certificate of Registration is attached hereto as Exhibit 1.

13. When Davidson published the Work on its website <https://www.aerialstock.com/>, it applied copyright management information consisting of a notice of the author of the Work

published adjacent to the Work, and an Aerial ID number conveyed in connection with the Work, as shown in part here:

AERIAL PHOTOGRAPH OF THE DALLAS, TEXAS SKYLINE

Aerial cityscape of the Dallas, Texas skyline at sunrise.

Dallas, Texas, Dallas, Texas, USA, West

Aerial ID: **CD_2013_0817_aerial_0425**

Author: **Cameron Davidson**

© **Cameron Davidson**

Aerial size: **25.1** Mpixels (71.7 MB uncompressed) - 7083x3540 pixels (23.6x11.8 in / 60.0x30.0 cm at 300 ppi)

14. Davidson's Work is protected by copyright but is not otherwise confidential, proprietary, or trade secrets. The Work in perspective, orientation, positioning, lighting and other details is entirely original, distinctive, and unique. As such, the Work qualifies as subject matter protectable under the Copyright Act.

15. At all relevant times Davidson was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY DEFENDANT

16. DDG has never been licensed to use the Work at issue in this action for any purpose.

17. On a date after the Work at issue in this action was created, but prior to the filing of this action, DDG copied the Work.

18. On or about January 12, 2023 Davidson discovered the unauthorized use of its Work on the Website.

19. DDG copied Davidson's copyrighted Work without Davidson's permission.

20. After DDG copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its brokerage and construction company.

21. DDG displayed an unauthorized derivative work of the Work on its Website to market and advertise its services to the public.

22. DDG committed copyright infringement of the Work as evidenced by the documents attached hereto as Exhibit 2.

23. Davidson notified DDG of the allegations set forth herein on January 27, 2023 and February 13, 2023. To date, the parties have failed to resolve this matter.

COUNT I
COPYRIGHT INFRINGEMENT

24. Davidson incorporates the allegations of paragraphs 1 through 23 of this Complaint as if fully set forth herein.

25. Davidson owns a valid copyright in the Work at issue in this case.

26. Davidson registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

27. DDG copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Davidson's authorization in violation of 17 U.S.C. § 501.

28. DDG performed the acts alleged in the course and scope of its business activities.

29. DDG's acts were willful.

30. Davidson has been damaged.

31. The harm caused to Davidson has been irreparable.

COUNT II
REMOVAL OF COPYRIGHT MANAGEMENT INFORMATION

32. Davidson incorporates the allegations of paragraphs 1 through 23 of this Complaint as if fully set forth herein.

33. The Works at issue in this contain copyright management information (“CMI”).

34. DDG knowingly and with the intent to enable, conceal, or facilitate copyright infringement, removed copyright management information from the Work at issue in this action in violation of 17 U.S.C. § 1202(b) by removing the attributions from next to the Work and failing to include any notice whatsoever on its display of the Work on the Website.

35. DDG committed these acts knowing or having reasonable grounds to know that the removal of Davidson’s copyright management information would induce, enable, facilitate or conceal infringement of Davidson’s rights in the Work.

36. DDG caused, directed and authorized others to commit these acts knowing or having reasonable grounds to know that it will induce, enable, facilitate or conceal infringement of Davidson’s rights in the Work at issue in this action protected under the Copyright Act.

37. Davidson has been damaged.

38. The harm caused to Davidson has been irreparable.

WHEREFORE, the Plaintiff Bruce Cameron Davidson prays for judgment against the Defendant Dallas Development Group LLC that:

a. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. §§ 501 and 1202;

b. Defendant be required to pay Plaintiff its actual damages and DDG's profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. §§ 504 and 1203;

c. Plaintiff be awarded its attorneys' fees and costs of suit under the applicable statutes sued upon;

d. Plaintiff be awarded pre- and post-judgment interest; and

e. Plaintiff be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: July 11, 2023

Respectfully submitted,

/s/Craig A. Wirth

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